

The Louisiana Purchase and preceding Spanish intrigues for dismemberment of the Union /

THE LOUISIANA PURCHASE AND PRECEDING SPANISH INTRIGUES FOR DISMEMBERMENT OF THE UNION.* BY NATHANIEL PITT LANGFORD.

* Read at the monthly meeting of the Executive Council, February 13, 1899.

"The Mississippi river," says George Bancroft, "is the guardian and the pledge of the union of the States of America. Had they been confined to the eastern slope of the Alleghanies, there would have been no geographical unity between them; and the thread of connection between lands that merely fringed the Atlantic must soon have been sundered. The father of rivers gathers his waters from all the clouds that break between the Alleghanies and the farthest ranges of the Rocky Mountains. The ridges of the eastern chain bow their heads at the north and the south, so that long before science became the companion of man, Nature herself pointed out to the barbarous races how short portages join his tributary waters to those of the Atlantic coast. At the other side his mightiest arm interlocks with the arms of the Oregon, and the Colorado; and, by the conformation of the earth itself, marshals highways to the Pacific. From his remotest springs he refuses to suffer his waters to be divided; but as he bears them all to the bosom of the ocean, the myriads of flags that wave above his head are all the ensigns of one people. States larger than kingdoms flourish where he passes, and beneath his step cities start into being, more marvellous in their reality than the fabled creations of enchantment. His magnificent valley, lying in the best part of the temperate zone, salubrious and wonderfully fertile, is the chosen muster-ground of the various elements of human culture brought together by men summoned from all the civilized nations of the earth, and joined in the bonds of common citizenship by the strong invincible attraction of republican freedom. Now that science has come to be the household friend of trade and commerce and travel, and

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that Nature has lent to wealth and intellect the use of her constant forces, the hills, once walls of division, are scaled or pierced or levelled, and the two oceans, between which the republic has unassailably intrenched itself against the outward world, are bound together across the continent by friendly links of iron. From the grandeur of destiny, foretold by the possession of that river and the lands drained by its waters, the Bourbons of Spain, hoping to act in concert with Great Britain as well as France, would have excluded the United States, totally and forever.”

In the early days of our republic, the great national artery so justly eulogized by our leading historian, was the fruitful cause of the most dangerous intrigues, aimed at the perpetuity of our Union. The inhabitants of the Ohio and Mississippi valleys, cut off by the Appalachian range from all commercial intercourse with the Atlantic seaboard, were necessarily dependent upon the Mississippi for access to the markets of the world. The mouth of that river was, as to them, the threshold of subsistence. Extensive possessions, richness of soil, and immensity of production were of little value without the means which this great channel alone afforded for the establishment of commercial relations with other nations. The most prolific, as well as most unbounded region of varied agricultural production in the world was comparatively valueless without this single convenience.

At the time whereof I now speak, the mouth of the Mississippi and the country adjacent was owned and controlled by Spain, then a powerful nation, jealous of her possessions in America, and unfriendly to the young republic which had suddenly sprung into existence on the northern borders of her empire. She had assented to the stipulation in the treaty between Great Britain, the United States, and herself in 1783 in which the independence of our country was recognized, that the navigation of the Mississippi from its source to its mouth should be and should forever remain free and open to the subjects of Great Britain and the citizens of the United States. This privilege, sufficient for ordinary purposes in time of peace, was liable at any moment and on almost any pretence, as we 455 shall hereafter

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see, to be absolutely denied, or to be hampered with oppressive duties, or to be used for purposes dangerous to the very existence of our government.

FORESIGHT OF WASHINGTON.

The first individual to see the evils which might flow from a dependence upon this outlet to the ocean by the people living west of the Alleghanies, was Washington himself. He had carefully noted the flow of the rivers beyond the Alleghanies, and the portages between them and the rivers flowing down their eastern slope, at the time of his first visit into that region. before the Revolution, and was only hindered from forming a company to unite them by an artificial channel, by the occurrence of the Revolution itself. The year after peace was declared he again visited the country bordering the upper waters of the Ohio, and at this time regarded the improvement not only of immense importance in its commercial aspect to the States of Maryland and Virginia, but as one of the necessities of the general government. "He had noticed," says Washington Irving, "that the flanks and rear of the United States were possessed by foreign and formidable powers, who might lure the Western people into a trade and alliance with them. The Western States, he observed, stood as it were on a pivot, so that the touch of a feather might turn them any way. They had looked down the Mississippi and been tempted in that direction by the facilities of sending everything down the stream, whereas they had no means of coming to the Atlantic sea-board but by long land transportation and rugged roads. The jealous and untoward disposition of the Spaniard, it was true, almost barred the use of the Mississippi; but they might change their policy and invite trade in that direction. The retention by the British Government, also, of the posts of Detroit, Niagara, and Oswego, though contrary to the spirit of the treaty, shut up the channel of trade in that quarter."

Washington's views were laid before the legislature of Virginia, and were received with such favor that he was induced to repair to Richmond to give them his personal support. His suggestions and representations during this visit gave the first impulse to the great system of internal improvements since pursued throughout the United States.

DISSATISFACTION OF WESTERN SETTLERS.

While Washington was urging upon the people of Virginia the importance of a water communication between the head waters of the Potomac and the Ohio, and had succeeded so far as to effect the organization of two companies under the patronage of the Governments of Maryland and Virginia, the people of the Western States, dissatisfied with the tax imposed upon them to pay the interest on the debt of the country to France, were many of them abandoning their dwellings and marching towards the Mississippi, "in order to unite with a certain number of disbanded soldiers who were anxious to possess themselves of a considerable portion of the territory watered by that river." Their object was to establish a government under the name of The Western Independence, and deny the authority of the American Congress, as McGillivray says in a letter to the governor of Pensacola.

This Alexander McGillivray, the head chief of the Talapouches, or Creeks, was a half-breed, the son of Lachland McGillivray, a Scotchman, and a Creek woman. He was educated in Scotland. Pickett, the historian of Alabama, calls him the Talleyrand of Alabama; and Gayarre, in an extended eulogy, says of him: "The individual who, Proteus-like, could in turn,—nay more, who could at the same time, be a British colonel, a Spanish and an American general, a polished gentleman, a Greek and Latin scholar, and a wild Indian chief with the frightful tomahawk at his belt and the war paint on his body, a shrewd politician, a keen-sighted merchant, a skillful speculator, the emperor of the Creeks and Seminoles, the able negotiator in person with Washington and other great men, the writer of papers which would challenge the admiration of the most fastidious,—he who could be a Mason among the Christians, and a pagan prophet in the woods; he who could have presents, titles, decorations, showered at the same time upon him from England, Spain and the United States, and who could so long arrest their encroachments against himself and his nation by playing them like puppets against each other, must be allowed to tower

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far above the common herd of men.” McGillivray died 17th February, 1793. He was buried with Masonic honors, in 457 the garden of William Panton, in Pensacola. His death spread desolation among his people.

PROPHECIES OF NAVARRO

Martin Navarro, the Spanish intendant at New Orleans, united with remarkable sagacity and foresight a jealousy of the American population of the Western States, amounting almost to mania. His policy in regulating commercial intercourse with all neighbors was in the largest degree conciliatory and generous. From the hour of its birth, he predicted with singular accuracy the power and growth of the American republic. In 1786, speaking of the commercial relations between the province of Louisiana and the numerous Indian tribes which owned the territory bordering upon the Mississippi river, he says:—

“Nothing can be more proper than that the goods they want should be sold them at an equitable price, in order to afford them inducements and facilities for their hunting pursuits, and in order to put it within their means to clothe themselves on fair terms. Otherwise they would prefer trading with the Americans, with whom they would in the end form alliances which cannot but turn out to be fatal to this province.”

The surplus productions of the Western settlements at this time had grown into a very considerable commerce, which, having no other outlet than the Mississippi, was sent down that river to New Orleans where it was subjected to, unjust and oppressive duties. The flatboat-men complained of the seizures, confiscations, extortions and imprisonments which in almost every instance were visited upon them by the Spanish authorities. Infuriated by the frequency and flagrant character of these outrages, and denying the right of Spain under the treaty of 1783 in any way to restrict the free navigation of the river, the Western people began seriously to contemplate an open invasion of Louisiana, and a forcible seizure of the port of New Orleans. They laid their grievances before Congress

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and petitioned that body to renew negotiations with Spain, and secure for them such commercial privileges as were necessary to the very existence of their settlements.

Navarro seconded these views, and writing to his Government says: "The powerful enemies we have to fear in this 458 province are not the English, but the Americans, whom we must oppose by active and sufficient measures." He then, by a variety of reasons, urges that a restriction of commercial franchises will only increase the embarrassment of Spain. "The only way," he says, "to check them, is with a proportionate population, and it is not by imposing commercial restrictions that this population is to be acquired, but by granting a prudent extension and freedom of trade."

By granting the Americans special privileges, donating lands to them and affording them other subsidies. Navarro hoped to lure them from their allegiance to our Government. Very many, yielding to these inducements, moved their families into the Spanish province and became willing subjects of His Catholic Majesty. The majority of those who remained, owing to the repeated failures and rebuffs they had suffered in their efforts to obtain free commercial privileges, were forced at length to consider the idea of forming a new and independent republic of their own. Their separation by distance and mountain barriers from the Atlantic states rendered all commercial intercourse impracticable between the two portions of the country. They were surrounded by savages against whose murderous attacks their Government was unable to afford them adequate protection, and their commerce was burdened with oppressive and ruinous duties before it could gain access to the markets of the world. Besides these considerations, they were oppressed with heavy taxation, to pay the interest on the great war debt to France. These reasons, to any one who can identify himself with the period of our history now under review, would certainly seem sufficient to overcome a patriotism which had always been measured by the amount of sacrifice it was capable of making without any return. Our Government, still under the old confederacy and no longer bound by the cohesive elements of the war, was ready to fall to pieces because of its inherent weakness. The majority of the people, both east and west, had little confidence in its stability. The leading patriots of the Revolution, alarmed

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at the frequent and threatening demonstrations of revolt made in all parts of the country, were at a loss to know how to avoid a final disruption.

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“What, then,” says Washington in a letter to John Jay, “is to be done? Things cannot go on in the same strain forever. It is much to be feared, as you observe, that the better kind of people, being disgusted with the circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme to another. * * * * * I am told that even respectable characters speak of a monarchical government without horror. From thinking proceeds speaking;—then acting is often but a single step. But how irrevocable and tremendous! What a triumph for our enemies to verify their predictions! What a triumph for the advocates of despotism by find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal and fallacious.”

It was when the country was in this condition, that the idea of a separate independence took form among the people west of the Alleghanies. Want of unanimity in the adoption of a basis for the new republic only prevented its organization; for as soon as the question came under serious consideration, no less than five parties appeared, each claiming its plan to be the only one suited to the purposes in view. Judge Martin, in his history of Louisiana, says:

“The first party was for being independent of the United States, and for the formation of a new republic unconnected with the old one, and resting on a basis of its own and a close alliance with Spain.

“Another party was willing that the country should become a part of the province of Louisiana, and submit to the admission of the laws of Spain.

“A third desired a war with Spain and the seizure of New Orleans.

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“A fourth plan was to prevail on Congress, by a show of preparation for war, to extort from the cabinet of Madrid what it persisted in refusing.

“The last, as unnatural as the second, was to solicit France to procure a retrocession of Louisiana, and to extend her protection to Kentucky.”

Encouraged in their designs to lure the Western people into Louisiana by this public evidence of their disaffection toward their own country, the Spanish authorities from this moment conceived the idea of working a dismemberment of our confederacy and attaching the vast country west of the Alleghanies to the other Hispano-American possessions. Separate plans for effecting this object were formed by Miro, the governor of Louisiana, and Gardoqui, the Spanish minister at Philadelphia. These officials were jealous of each other, and though partners in design, frequently clashed in their measures.

GEN. WILKINSON'S INTRIGUES.

In June, 1787, General James Wilkinson, an officer of the Revolution who had emigrated to the West a few months before, descended the Mississippi to New Orleans, with a cargo of flour, tobacco, butter and bacon. His boat having been seized, Wilkinson, after a protracted interview with Governor Miro, parted from him with an order for its release and permission to sell his cargo free of duty. This arch-intriguer was permitted, during the entire period that his negotiations with Miro were in progress, to enjoy all the privileges of the New Orleans market free of duty. He sold large cargoes of tobacco, flour and butter to the Spanish authorities on different occasions, and received from Miro, at various times, very large sums of money to aid him in the work of dismemberment. We learn that at one time he sought to become a Spanish subject, but was dissuaded by Miro, who, while he loved the treason, hated the traitor. At another time, in the midst of his intrigues he besought Miro to obtain for him a portion of the country to which he could flee to escape the vengeance which would pursue him in case his diabolical acts should be discovered by Washington. He remained in New Orleans until September. During that period, at

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Miro's request, he furnished him with his views in writing of the political interests of Spain and the Western people. This document strongly advocated the free navigation of the Mississippi, and was sent to Madrid for the perusal of the king. But it was intended simply as a blind, to conceal the inception of an intrigue between Miro and Wilkinson for the separation of the Western settlements from the Union, and their adherence to Spain. It was soon ascertained that, coincident with the submission of this document, 461 Wilkinson presented another to Miro, containing different representations. but which was not made public.

In the meantime, Gardoquoi, acting without Miro's compliance, had invited the people of Kentucky and the region bordering the Cumberland river to establish themselves under the protection of Spain in West Florida and the Florida district of lower Louisiana, offering as inducements that they might hold slaves, stock, provisions for two years, farming utensils and implements, without paying any duty whatever, and enjoy their own religion. Allured by these promises, many Americans removed to Louisiana and became Spanish subjects. To encourage this work of emigration, Gardoquoi made a concession of a vast tract of land, seventy miles below the mouth of the Ohio, to Col. George Morgan, upon his proposition to settle it with a large number of immigrants. In pursuance of this purpose, Morgan afterwards laid the foundations of a city there, which, in compliment to Spain, he called New Madrid.

Gardoquoi, fearful lest his plans might be disturbed by Miro, sent an agent to New Orleans to obtain for them the support of that functionary. Miro was deeply embroiled in the intrigue with Wilkinson;—an enterprise, which, if successful, would prove vastly more important than that of Gardoquoi. Concealing his purpose from the latter, Miro, upon one pretext and another, avoided committing himself to plans which, if prosecuted, were certain, to clash with his own. In January, 1788, he wrote to Valdes, the minister for the department of the Indies:—

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"If have been reflecting for many days whether it would not be proper to communicate to D'Arges (Gardoquoi's agent) Wilkinson's plans, and to Wilkinson the mission of D'Arges, in order to unite them and dispose them to work in concert. * * * The delivering up of Kentucky into His Majesty's hands, which is the main object to which, Wilkinson has promised to devote himself entirely, would forever constitute this province a rampart for the protection of New Spain."

In the course of this intrigue, Gardoquoi's agent stipulated to lead fifteen hundred and eighty-two Kentucky families into the Natchez district. Miro ordered Grandpre, the governor of Natchez, to make concessions of land to each family on its 462 arrival, and require them to take the following oath: "We the undersigned do swear, on the Holy Evangelists, entire fealty, vassalage and lenity to His Catholic Majesty, wishing voluntarily to live under his laws, promising not to act either directly or indirectly against his real interest, and to give immediate information to our commandants of all that may come to our knowledge of whatever nature it may be, if prejudicial to the welfare of Spain in general and to that of this province in particular, in defence of which we hold ourselves ready to take up arms on the first summons of our chiefs, and particularly in the defence of this district against whatever forces may come from the upper part of the river Mississippi, or from the interior of the continent."

"Whilst presenting to them these considerations," writes Miro, "you will carefully observe the manner in which they shall receive them, and the expression of their faces. Of this you will give me precise information, every time that you send me the original oaths taken."

In furtherance of his enterprise, Wilkinson spent several months in the Atlantic States after leaving New Orleans. He wrote to Miro in cipher, on his return to the West, that all his predictions were verifying themselves. "Not a measure," he says, "is taken on both sides of the mountains which does not conspire to favor ours." About the same time he wrote to Gardoquoi in order to allay his suspicions. Receiving from Miro no immediate reply to his letter, he sent a cargo of produce down the river in charge of Major Isaac Dunn, whom he

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accredited to Miro as a fit auxiliary in the execution of their political designs. Dunn assured the Spanish governor that Kentucky would separate entirely from the Federal Union the next year.

While these schemes were in progress, the settlers in the district of Cumberland, reduced to extremities by the frequent and bloody invasions of the Indians south of them, sent delegates to Alexander McGillivray, head chief of the tribes, to declare their willingness to throw themselves into the arms of His Catholic Majesty, as subjects. They said that Congress could neither protect their persons nor property, nor favor their commerce, and that they were desirous to free themselves from all allegiance to a power incapable of affording the smallest benefit in return.

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SPANISH INQUISITION.

One of the difficult questions for the Spanish authorities to settle with the people they expected to lure to their embrace was that of religion. Spain was not only Catholic, but she had not abandoned the Inquisition, as a means of torturing the rest of the world into a confession of that faith. Gardoqui had promised all immigrants into Louisiana freedom of religious opinion. Miro, willing to make some concessions, would not concede entire freedom. Just at the time that a promise had been made of a large emigration from the western settlements, Miro received a letter from the Reverend Capuchin Antonio de Sedella, informing him that he had been appointed commissary of the Inquisition, and that, in order to carry his instructions into perfect execution, he might soon, at some late hour of the night, deem it necessary to require some guards to assist him in his operations. A few hours afterwards while this inquisitor was reposing, he was roused by an alarm. Starting up he met an officer and a file of grenadiers, who, he supposed, had come to obey his orders. "My friends," said he, "I thank you and his excellency for the readiness of this compliance with my request. But I have no use for your services, and you shall be warned in time when you are wanted. Retire, then, with the blessing of God." The surprise of the

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Holy Father may be conceived when told that he was under arrest. "What!" he exclaimed, "will you dare lay hands on a commissary of the Holy Inquisition?"

"I dare obey orders," was the stern reply,—and Father de Sedella was immediately conducted on board a vessel which sailed the next day for Cadiz.

Miro, writing to one of the members of the cabinet of Madrid concerning this unceremonious removal, says: "The mere name of the Inquisition, uttered in New Orleans, would be sufficient, not only to check immigration, which is successfully progressing, but would also be capable of driving away those who have recently come, and I even fear that in spite of my having sent out of the country Father de Sedella, the most fatal consequences may ensue from the mere suspicion of the cause of his dismissal." This was the first and last attempt of the Spaniards to plant the Inquisition in North America.

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In the midst of these intrigues and schemes, Navarro, the talented intendant, was recalled by his Government and returned to Spain. The two offices of governor and intendant thus became united in Miro. In his last official dispatch, Navarro expressed his views of the province with considerable detail. He depicted the dangers which Spain had to fear from the United States,—predicting that the "newborn giant would not be satisfied until he extended his domains across the continent and bathed his vigorous young limbs in the placid waters of the Pacific." A severance of the Union was, in his opinion, the only way this could be prevented. This was not difficult if the present circumstances were turned to advantage. "Grant," said he, "every sort of commercial privilege to the masses in the Western region, and shower pensions and honors on the leaders."

While actively engaged in the prosecution of his intrigue with Miro, we learn from a letter written to that official in February, 1789, that in October of the previous year Wilkinson met with Col. Connelly, a British officer, who, he says, "had travelled through the woods to the mouth of the river Big Miami, from which he came down the Ohio in a boat." He

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claimed to be an emissary of Lord Dorchester, the governor general of Canada. Ignorant of Wilkinson's secret negotiations with Miro, he met him by invitation at his house, and upon Wilkinson's assurance of regard for the interests of His Britannic Majesty, Connelly unfolded to him the object of his mission. He informed Wilkinson that Great Britain was desirous of assisting the Western settlers in their efforts to open the navigation of the Mississippi. She would join them to dispossess Spain of Louisiana, and as the forces in Canada were too small to supply detachments for the purpose, Lord Dorchester would, in place thereof, supply our men with all the implements of war, and with money, clothing, etc., to equip an army of ten thousand men.

Wilkinson, in his letter to Miro, says: "After having pumped out of him all that I wished to know, I began to weaken his hopes by observing that the feelings of animosity engendered by the late Revolution were so recent in the hearts of the Americans that I considered it impossible to entice them into an alliance with Great Britain: that in this district, particularly 465 in that part of it where the inhabitants had suffered so much from the barbarous hostilities of the Indians, which were attributed to British influence, the resentment of every individual was much more intense and implacable. In order to justify this opinion of mine, I employed a hunter who reigned attempting his life. The pretext assumed by the hunter was the avenging the death of his son, murdered by the Indians at the supposed instigation of the English. As I hold the commission of a civil judge, it was of course to be my duty to protect him against the pretended murderer, whom I caused to be arrested and held in custody. I availed myself of this circumstance to communicate to Connelly my fear of not being able to answer for the security of his person, and I expressed my doubts whether he could escape with his life. It alarmed him so much that he begged me to give him an escort to conduct him out of the territory, which I readily assented to, and on the 20th of November he recrossed the Ohio on his way back to Detroit."

Such was the influence of Wilkinson with the people of the districts of Kentucky and Cumberland, that between the years 1786 and 1792 he thwarted them four times in their designs to invade Louisiana, after preparations had been made for that purpose. His

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object was to unite the Western settlements with Spain,—not to maintain the integrity of the Federal Union.

STATE OF FRANKLAND.

Circumstances which had occurred several years before this time gave birth to another intrigue of remarkable character, which culminated in the fall of 1788. The western portion of North Carolina, known as the Washington District, in 1784 declared itself independent and organized a government under the name of the State of Frankland. The name was afterward changed to Franklin.

At that time North Carolina was a turbulent state, and there was little cohesion between the eastern and western portions. The desire of the western portion to form a separate state government was aimed at the parent state rather than the United States. The parent state did not oppose the secession, for the reason that it had been severely taxed to pay 30 466 the Indian war debts incurred in protecting the western frontier. On the other hand, the inhabitants of the western portion complained that the jurisdiction of the courts was not extended over them, so as to protect them from the incursions of the outlaws from adjoining states.

In the year 1784 the legislature of North Carolina ceded what is now the State of Tennessee to the United States, coupled with the condition that within two years it should formally accept the gift; and further, that until the expiration of that period, North Carolina should exercise sovereignty over it. On August 23, 1784, a constitutional convention was called at Jonesboro, of which John Sevier was president. A difference of opinion arose among the members as to whether their declaration of independence should go into effect at once, or at a future day;—but a vote being taken, two-thirds of the members declared for immediate secession. The same question divided the members when they met in November to frame a constitution, and the convention dissolved in utter confusion. In the meantime the State of North Carolina became alarmed at the attitude of the secessionists,

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and repealed its act of cession, which had not at that time been accepted by the United States, and Governor Sevier advised, his followers to abandon the scheme for the organization of the new state. But his adherents would not recede. They met on December 14, 1784, at Jonesboro and adopted a constitution, subject to its ratification by a future convention, which was to meet at Greenville in November, 1785. In March, 1785, the two houses, of the Legislature met and elected John Sevier Governor of the new state, and organized courts, and passed general laws. Among these acts of the Legislature was one authorizing the payment of taxes and of salaries to be made in various articles of merchandise. Among the articles in which taxes were payable were the following: Beaver, otter and deer skins, which were rated at six shillings each; raccoon and fox skins, rated at one shilling three pence each; beeswax, at one shilling per pound; rye whiskey, at three shillings six pence per gallon; peach brandy, at three shillings per gallon. The salaries of all officers were to be paid wholly in skins. The following is a copy of one of the acts of the Legislature:—

“Be it enacted by the general assembly of the State of Franklin, and it is hereby enacted by authority of the same, 467 that from and after the first day of January next the salaries of this commonwealth shall be as follows, to-wit:

His Excellency, the Governor, per annum, 100 deer skins.

His Honor, the Chief Justice, 500 deer skins.

The Secretary to His Excellency, the Governor, 500 raccoon skins.

County Clerk, 300 beaver skins.

Clerk of the House of Commons, 200 raccoon skins.

Members of the Assembly, per diem, three raccoon skins.

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Justice's fee for serving a warrant, one mink skin.”

Among the names proposed for the new state was that of Frankland, or the “Land of freemen;” but by a very small majority it was decided to call it Franklin in honor of Benjamin Franklin. Franklin, however, did not know that the new state had been named for him until eighteen months after its organization. Seemingly this name was given for the purpose of securing the friendship of Franklin for the new state;—but the wily statesman, while expressing his appreciation of the honor conferred upon him, was loth to avow himself on the side of the secessionists, and advised them to submit their claims to Congress for adjustment. He pointed out to them the excellence of a system of paternal government which provided for a Congress which could act as a judge in such matters.

Governor Sevier apprised Governor Alexander Martin of North Carolina that the inhabitants of the counties west of the mountains had declared themselves independent and had formed a separate State. Governor Martin replied that he could not consent to such an irregular mode of separation, and intimated that the Congress of the United States would interfere to prevent it.

The convention which was expected to ratify a constitution met at Greenville on November 14, 1785. A new constitution was presented, which, after an angry discussion, was rejected, and one similar to that of North Carolina was adopted. The rejected constitution was a curious document. Full religious liberty was established, so far as it related to forms of worship, but no one was allowed to hold office unless he believed in Heaven, Hell, and the Trinity. Neither could sabbath breakers, immoral men, clergymen, doctors, nor 468 lawyers hold office. Five days after the adoption of the constitution, the Legislature of North Carolina assembled at Newbern, and granted amnesty and full pardon to all who were engaged in revolt against the authority of the State;—and many men of influence returned to their allegiance, and resistance to the authority of the state of Franklin assumed a more determined form. Congress finally interfered, put an end to the new State, and restored the country to North Carolina. Indignant at the interposition, the

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secessionists persisted in their designs, and through their displaced governor, Sevier, on the 12th of September, 1788, informed the Spanish minister, Gardoquoi, that they were unanimous in their vehement desire to form an alliance and treaty of commerce with Spain and put themselves under her protection. The settlers of the district of Cumberland river, who were also under the jurisdiction of North Carolina, gave the name of Miro to a district they had formed, as evidence of their partiality for the Spanish government. The promise of protection which the inhabitants of the two districts received from, Gardoquoi was so modified by Miro that the scheme, though prosecuted for a time with great vigor, finally failed from inability on the part of the secessionists to comply with the conditions of recognition.

A company composed of Alexander Moultrie, Isaac Huger, Major William Snipes, Colonel Washington, and other distinguished South Carolinians was formed at Charleston in 1789, which purchased from the State of Georgia fifty-two thousand nine hundred (52,900) square miles of territory extending from the Yazoo to the banks of the Mississippi near Natchez. The Choctaws, Chickasaws, and Spain claimed a portion of this territory. The ulterior designs of the company in the purchase and settlement of the country were carefully concealed for some time. Wilkinson, who was still engaged in the effort to dismember the Union, having heard of this purchase, lost no time in communicating his views to the company and expressing a desire to cooperate with them as their agent. At the same time he addressed a letter to Miro, in which, after telling him that he had applied to the company for an agency, he says:—

“If I succeed, I am persuaded that I shall experience no difficulty in adding their establishment to the domains of His Majesty, and this they will soon discover to be to their interest. * * * * You will have the opportunity to modify the plan of the company as your judgment and prudence will suggest and the interest of the King may require. I will keep you informed of every movement which I shall observe, and it will be completely in your power to break up the projected settlement, by inciting the Choctaws to incommode

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the colonists, who will thus be forced to move off and to establish themselves under your government.”

Wilkinson's application for an agency was declined because of the appointment of Dr. O'Fallon before it was received. He wrote to Miro on the subject of the company's purposes. After speaking of the dissatisfaction of the members of the company with the Federal Government, he states that he has induced them to become subjects of Spain, “under the appearance of a free and independent state, forming a rampart for the adjoining Spanish territories, and establishing with them an eternal reciprocal alliance offensive and defensive. This,” he continues, “for a beginning, when once secured with the greatest secrecy, will serve, I am fully persuaded, as an example to be followed by the settlements on the western side of the mountains, which will separate from the Atlantic portion of the Confederacy, because, on account of the advantages which they will expect from the privilege of trading with our colony under the protection of Spain, they will unite with it in the same manner and as closely as are the Atlantic States with France, receiving from it every assistance in war and relying on its power in the moment of danger.”

In a letter written to Miro on the 20th of June, Wilkinson fully endorses the plans of the company. Miro submits to the Court at Madrid the documents unfolding these plans, accompanied by a dispatch in which he sums up the advantages and disadvantages of “taking a foreign state to board with us.” When near the conclusion, he explains how he has excited the hostility and secured the opposition of all the Indian tribes to the Americans. “I have recommended them,” says he, “to remain quiet, and told them if these people presented themselves with a view to settle on their lands, then to make no concessions, and to warn them off, but to attack them in case they refused to withdraw; and I have promised that I would supply them with powder and ball to defend their legitimate rights.”

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INVASION OF LOUISIANA THREATENED.

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Both Louisiana and the United States became at this time apprehensive that an invasion of the former would be attempted by the British from Canada. Such an event would impose upon our Government the necessity of determining a course proper to be pursued should a passage be asked by Great Britain for her troops through our territory, or should that passage be made without permission. The opportunity was deemed favorable to the prosecution of our claim to the navigation of the Mississippi, and negotiations were opened with Spain for the purchase of the Island of New Orleans and the Floridas,—but Spain declined our offer of friendship, the only consideration we were then able to give, and the project failed. Miro's administration terminated in 1791. He was succeeded by the Baron de Carondelet.

Such was the confidence inspired in the Government by the adoption of the Constitution and the firm and watchful administration of Washington, that not only in the Eastern States but in the Western districts also, all intrigues, cabals, and schemes of dismemberment during the first three years of Carondelet's administration had seemingly expired. A brighter era had dawned upon the country; hope had taken the place of doubt in the minds of the people, and the old patriotism which had borne us through the Revolution reinstated loyalty in the bosoms of thousands whose thoughts had been for years ripening for revolt. But the danger was not all over. Some discontented and some ambitious spirits yet remained in the West Great Britain cast a greedy eye occasionally at the mouth of the Mississippi, and poor torn, bleeding France, which had just murdered her king, sent a sufficient number of her maniac population to our shores to keep the spirit of misrule in action.

Early in the year 1794 a society of French Jacobins, established in Philadelphia, sent to Louisiana a circular which was widely distributed among the French population of the province, appealing to them to take up arms and cast off the Spanish yoke. The alarm which this gave the Baron de Carondelet was increased by a knowledge of the efforts put forth by Genet, the French minister to the United States, to organize and lead an

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expedition of French and Americans against Louisiana. 471 Armed bands had assembled upon the Georgia frontier to join it, and French emissaries were everywhere stirring up the Western people to aid in the invasion. New Orleans was strongly fortified, and the grim visage of war was again wrinkled for the conflict.

TREATY OF MADRID.

Fear of English invasion over, Carondelet addressed himself with great vigor to the unfinished schemes of Miro for dismembering the Union and winning over the Western settlements to Spain. Meantime, the negotiations so long pending between our Government and Spain culminated on the 20th of October, 1795, in the Treaty of Madrid. By this treaty a boundary line was established between the United States and the Floridas. Spain also conceded to our people the free navigation of the Mississippi from its source to the sea, and agreed to permit them, "for the term of three years, to use the port of New Orleans as a place of deposit for their produce and merchandise, and export the same free from duty or charge, except a reasonable consideration to be paid for storage and other incidental expenses; that the term of three years may, by subsequent negotiation be extended, or, instead of that town, some other point in the island of New Orleans shall be designated as a place of deposit for the American trade."

It was believed by the provincial authorities that this treaty was formed for the purpose of propitiating the neutrality of our Government in the event of a war, at that time imminent, between Great Britain and Spain. They had no faith in its permanency, or that its provisions would be observed by Spain after her European embarrassments had been settled. Instead of arresting, it had the effect to stimulate the efforts of Carondelet in his favorite plan for the acquisition of the Western settlements. He made proposals to Sebastian, Innis, and other early associates of Wilkinson, and through his emissaries approached Wilkinson himself with promises;—but it was too late. The Union had become consolidated. The wise counsels of Washington allayed discontent, and the successful campaign of Wayne had given assurance of protection. Wilkinson and his associates,

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foiled in the designs formed and conducted under more favorable auspices, whatever their aspirations might have been, were too sagacious to revive an 472 enterprise which neither policy nor necessity could excuse, and which a vigilant government was sure to punish. After a few more struggles the Spanish authorities, on the 26th of May, 1798, surrendered to Wilkinson (who, by the death of Wayne, had been promoted) the territory claimed by the Treaty of Madrid, and the Spanish power in America from that moment began to decline.

Morales, the Spanish intendant, construing the letter of the treaty strictly, on the 17th of July., 1799, chose to consider that three years had elapsed since its ratification, and, for the purpose of crippling the commerce of the Western people, issued an order prohibiting the use of New Orleans as a place of deposit by them, without designating, in accordance with the treaty, any other suitable point. This measure aroused the indignation of the West. An expedition against New Orleans was openly contemplated. President Adams ordered three regiments of regulars to the Ohio, with instructions to have in readiness a sufficient number of boats to convey the troops to New Orleans. Twelve new regiments were added to the army, and an invasion seemed inevitable, and would most certainly have been attempted, had not indications of a popular determination to elect Mr. Jefferson to the Presidency caused the postponement of a project which could not be completed before the close of Mr. Adams' administration.

No public documents of the period, accessible to me, speak of the suspension by the Spaniards of this prohibitory order, but from the fact that it was renewed afterwards, there can be no doubt that terms of accommodation satisfactory to the Western people were for the time agreed upon.

TREATY OF ST. ILDEPHONSO.

Napoleon, at this time First Consul, cast a longing eye at the mouth of the Mississippi. His ministers had been instructed to obtain all possible information concerning Louisiana. Monsieur de Pontalba, who had passed an official residence of many years in Louisiana,

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prepared at their request a very remarkable memoir on the history and resources of that province, which was presented to the French Directory on the 15th of September, 1800. On the 1st of October following, a treaty between France and Spain was concluded at 473 St. Ildephonso, of which the third article is in the following words:—

“His Catholic Majesty promises and engages to retrocede to the French Republic, six months after the full and entire execution of the above conditions and stipulations relative to His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and the other States.”

France being at war with England when this treaty was concluded, it was, at the request of Napoleon, carefully concealed, lest England, then mistress of the seas, should take the country from her, as she doubtless would have done, had Napoleon taken possession of the province.

Spain inserted in this treaty a condition that she should have the preference, in case France, in her turn, should be disposed again to cede the territory. Great embarrassments resulted from this stipulation.

The retrocession of Louisiana to France was not suspected by our Government until March, 1801, six months after the treaty of St. Ildephonso was concluded. It was then brought to the notice of Mr. Madison, the secretary of state, by Mr. Rufus King, our minister at the court of St. James, who wrote on March 29, 1801:—

“The cession of Tuscany to the infant Duke of Parma, by the treaty between France and Austria, adds very great credit to the opinion which at this time prevails both at Paris and London, that Spain has in return actually ceded Louisiana and the Floridas to France. I

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am apprehensive that this cession is intended to have, and may actually produce, effects injurious to the Union and consequent happiness of the people of the United States.”

Mr. Madison seems to have shared the general incredulity of England and other powers regarding the event, for he took no notice of the intimation conveyed by Mr. King's dispatch, until it was partially confirmed by another from the same source on the 1st of June thereafter. In the first letter on the subject Mr. King had deemed it of sufficient importance to recommend the appointment of a minister to represent the interests of our government near the court of France. In 474 the last he related the substance of a conversation between himself and Lord Hawkesbury relative to Louisiana, in which that nobleman said that he had from different quarters received information of the cession to France, and very unreservedly expressed the reluctance with which they should be led to acquiesce in a measure that might be followed by the most important consequences—that the acquisition might enable France to extend her influence and perhaps her dominion up the Mississippi and through the lakes, even to Canada. To this, Mr. King replied: “We are content that the Floridas remain in the hands of Spain, but should be unwilling to see them transferred, except to ourselves.”

CLAIM OF OUR GOVERNMENT.

Our government took the alarm instantly, The negotiations it had effected with Spain, though still embarrassed with some offensive conditions, had produced a state of comparative quiescence in the West; all dangerous intrigues were at an end, and a further settlement had been projected which would harmonize all opposing interests and forever secure to our Western possessions the uninterrupted enjoyment of free navigation of the Mississippi to the ocean. Such an arrangement with France was deemed impossible. In the hands of Napoleon, Louisiana would be at once transformed into a powerful empire, and the Mississippi would be used as a highway to transport troops on errands of meditated invasion all over the continent of North America. In her eager desire to regain the Canadian possessions taken from her by Great Britain, France would march

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her armies through our territories and inevitably embroil us in a war which would prove in the end fatal to the liberties we had just established. Heavy duties would necessarily be imposed upon our Western population, and all the prejudices now so fortunately allayed would be revived against the Government because of its powerlessness to relieve them.

Mr. Madison addressed a dispatch to Mr. Pinckney, our minister at Madrid, requesting him to ascertain whether a treaty had been made, and if so, the extent of the cession made by it. The Government appointed Mr. Robert R. Livingston minister to France.

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In November, 1801, Mr. King succeeded in procuring a copy of the secret treaty, and forwarded it to Mr. Madison. In the midst of the alarm occasioned by this intelligence, the war between France and England was terminated, and articles of peace signed on the 1st of October, 1801, and France commenced secret preparations to avail herself of the treaty and take early possession of Louisiana. In the meantime Mr. Livingston had arrived in Paris. On the 12th of December, in a dispatch to Mr. Madison, he informed him that he had hinted to one of the ministers that a cession of Louisiana would afford them the means of paying their debts,—to which the minister replied: “None but spendthrifts satisfy their debts by selling their lands,” adding, however, after a short pause, “but it is not ours to give.”

TALLEYRAND'S DIPLOMACY.

Talleyrand was the Minister of Exterior Relations. In all his interviews with Mr. Livingston relative to the purchase of Louisiana he fully exemplified one of the maxims of his life, that “speech was given to man to enable him to disguise his thoughts.” All of Mr. Livingston's inquiries respecting the treaty were met with studied reserve, duplicity, or positive denial. Often when he sought an interview the minister was preoccupied or absent. He not only failed to obtain information of the extent of the cession and whether it included the Floridas, but so undemonstrative were the communications of the minister upon the subject, that often he left him doubtful of the intention of France to comply with the

terms of the treaty at all. His dispatches to Mr. Madison, while they show no lack of exertion or expedient on his part to obtain the desired information, bear evidence of the subtlety, cunning, and artifice of one of the greatest masters of statecraft the world has yet produced. At one time he expresses his concern at the reserve of the French Government, and importunes Talleyrand to inform him whether East and West Florida or either of them are included in the treaty, and afford him such assurances, with respect to the limits of their territory and the navigation of the Mississippi heretofore agreed upon between Spain and the United States, as may prove satisfactory to the latter.

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"If," he continues in the same note, "the territories of East and West Florida be included within the limits of the cession obtained by France, the undersigned desires to be informed how far it would be practicable to make such arrangements between their respective governments, as would at the same time aid the financial operations of France and remove by a strong natural boundary all future causes of discontent between her and the United States."

Six days afterwards he writes to Mr. Madison that he has received no reply to the above note. A month later in a dispatch he says: "They have as yet not thought it proper to give me any explanations." One month afterwards he writes: "The business most interesting to us, that of Louisiana, still remains in the state it was. The minister will give no answer to any inquiries I make on the subject. He will not say what their boundaries are, what are their intentions, and when they are to take possession."

Meantime the treaty of Amiens opened the ocean to Bonaparte's contemplated expedition to Louisiana. The anxiety of our government was greatly increased. Mr. Madison, in a dispatch full of complaint at the ominous silence of the French minister, among other intimations, conveys the following:—

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“Since the receipt of your last communication, no hope remains but from the accumulating difficulties of going through with the undertaking, and from the conviction you may be able to impress that it must have an instant and powerful effect in changing the relations between France and the United States.”

Fears were entertained that the British Government might have acquiesced in the treaty, so as to impair the stipulations, concerning the free navigation of the Mississippi, but these were dissipated by the assurance of Lord Hawkesbury, in reply to a letter addressed to him on the subject by Mr. King, that “His Majesty had not in any manner directly or indirectly acquiesced in or sanctioned the cession.”

TEDIOUS DELAY.

Nearly one month after this last dispatch to Mr. Madison. Mr. Livingston again informs him that the French Government still continues to hold the same conduct with respect 477 his inquiries in relation to the designs on Louisiana, but assures him that nothing shall be done to impair the friendly relations between America and France. Eight days after this dispatch was written, he writes again that he has acquired information on which he can depend, in relation to the intention of the French Government. “Bernadotte,” says he, “is to command, Collot second in command, Adet is to be prefect;” but the expedition is delayed until about September, on account of some difficulty which Mr. Livingston conceives to have “arisen from the different apprehensions of France and Spain relative to the meaning of the term Louisiana, which has been understood by France to include the Floridas, but probably by Spain to have been confined to the strict meaning of the term.”

On the 30th of July, 1802, Mr. Livingston informs Mr. Madison that he is preparing a lengthy memorial on the subject of the mutual interest of France and the United States relative to Louisiana; and that he has received the explicit assurance of the Spanish ambassador that the Floridas are not included in the cession.

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On the 10th of August following he again writes the secretary that he has put his essay in such hands as he thinks will best serve our purposes. "Talleyrand," he says, "has promised to give it an attentive perusal; after which, when I find how it works, I will come forward with some proposition. I am very much at a loss, however, as to what terms you would consider it allowable to offer, if they can be brought to a sale of the Floridas, either with or without New Orleans, which last place will be of little consequence if we possess the Floridas, because a much better passage may be found on the east side of the river."

Mr. Livingston now followed up his interrupted negotiations with activity. He made several propositions for the purchase of Louisiana, but was informed by the minister that all offers were premature. "There never," says Mr. Livingston in a dispatch to the secretary of state, "was a Government in which less could be done by negotiation than here. There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks; and his legislature 478 and counsellors parade officers. Though the sense of every reflecting man about him is against this wild expedition, no one dares to tell him so. Were it not for the uneasiness it excites at home; it would give me none; for I am persuaded that the whole will end in a relinquishment of the country, and transfer of the capital to the United States."

Soon after this, Mr. Livingston had an interview with Joseph Bonaparte, who promised to deliver to Napoleon any communication Livingston could make. "You must not, however," he said, "suppose my power to serve you greater than it actually is. My brother is his own counsellor, but we are good brothers. He hears me with pleasure, and as I have access to him at all times, I have an opportunity of turning his attention to a particular subject that might otherwise be passed over." He informed Mr. Livingston that he had read his notes and conversed upon the subject with Napoleon, who told him that he had nothing more at heart than to be upon the best terms with the United States.

On the 11th of November Mr. Livingston wrote a hurried letter to Mr. Madison, informing him that orders had been given for the immediate embarkation of two demi-brigades for

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Louisiana, and that they would sail from Holland in about twenty days. The sum voted for this service was two and one-half millions of francs. "No prudence," he concludes, "will, I fear, prevent hostilities ere long, and perhaps the sooner their plans develop themselves the better."

RIGHT OF DEPOSIT PROHIBITED.

This was the condition of affairs when the Western people, beginning to feel the effect of a proclamation suspending their right of deposit in New Orleans, were importuning our Government for relief. Some idea may be formed of the excitement which this act had produced, on reading the following, which is one of many similar appeals addressed to Congress by them:—

"The Mississippi is ours by the law of nature; it belongs to us by our numbers, and by the labor which we have bestowed on those spots which, before our arrival, were desert and barren. Our innumerable rivers swell it, and flow with it into the Gulf of Mexico. Its mouth is the only issue which 479 nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right. We do not prevent the Spaniards and the French from ascending the river to our towns and villages. We wish in our turn, without any interruption, to descend it to its mouth, to ascend it again, and exercise our privilege of trading on it, and navigating it at our pleasure. If our most entire liberty in this matter is disputed, nothing shall prevent our taking possession of the capital, and when we are once masters of it we shall know how to maintain ourselves there. If Congress refuses us effectual protection, if it forsakes us, we will adopt the measures which our safety requires, even if they endanger the peace of the Union and our connection with the other states. No protection, no allegiance."

Perhaps at no period in the history of our Government was the Union in more immediate danger of dissolution. Had our citizens been fully apprised of our relations with France and the neglect with which our ambassador was treated, nothing could have prevented

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an immediate secession of the people west of the Alleghanies. Mr. Madison saw the gathering of the storm, and on the 27th of November, a few days before Congress assembled, addressed an earnest dispatch to the American minister at Madrid. "You are aware," said he, "of the sensibility of our western citizens to such an occurrence. This sensibility is justified by the interest they have at stake. The Mississippi to them is everything. It is the Hudson, the Delaware, the Potomac, and all the navigable rivers of the Atlantic States, formed into one stream. * * * Whilst you presume, therefore, in your representations to the Spanish Government, that the conduct of its officer is no less contrary to its intentions than it is to its good faith, you will take care to express the strongest confidence that the breach of the treaty will be repaired in every way which justice and regard for a friendly neighborhood may require."

Congress met, and President Jefferson, in a message on Louisiana, said: "The cession of the Spanish province of Louisiana to France which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the legislature connected with 480 that subject." That body replied, that, relying with perfect confidence on the wisdom and vigilance of the Executive, they would wait the issue of such measures as that department of the Government should have pursued for asserting the rights of the United States,—holding it to be their duty at the same time to express their unalterable determination to maintain the boundaries and the rights of navigation and commerce through the river Mississippi, as established by existing treaties.

MONROE APPOINTED MINISTER EXTRAORDINARY.

Party spirit at that time was but another name for party animosity. The Federalists, anxious to regain the power that they had lost by the election of Jefferson, seized upon the subject of Mr. Livingston's mission and the proclamation of prohibition by the Spanish intendant, and held them up before the people as the necessary and inevitable product of Democratic principles. They were determined if possible to force the country into a war of invasion

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against New Orleans and the country including the mouth of the Mississippi,—a measure in which the Western people would generally cooperate. The administration, on the other hand, still adhered to the policy of negotiation,—and foreseeing that it must be expeditious to avoid the inevitable destruction of the party, and deprive the Federals of the prestige which their vigorous measures were acquiring for them, President Jefferson, on the 10th of January, 1803, wrote to Mr. Monroe:—

“I have but a moment to inform you that the fever into which the Western world is thrown by the affair of New Orleans, stimulated by the mercantile and generally the Federal interest, threatens to overbear our peace. In this situation we are obliged to call on you for a temporary sacrifice of yourself, to prevent this greatest of evils in the present prosperous tide of affair. I shall to-morrow nominate you to the Senate for an extraordinary mission to France, and the circumstances are such as to render it impossible to decline; because the whole public hope will be rested on you.”

The Senate confirmed the nomination. Mr. Jefferson again wrote to Mr. Monroe, urging him not to decline. “I know nothing,” he says, “which would produce such a shock, for on the event of this mission depend the future destinies of 481 this republic. If we cannot by a purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then, as war cannot be far distant, it behooves us immediately to be preparing for that course, without, however, hastening it; and it may be necessary (on your failure on the Continent) to cross the Channel.” We shall see later the significance of this suggestion that he cross the Channel into England.

The session of Congress had advanced to the middle of February before any remedial measures were proposed for the action of the Spanish intendant at New Orleans. Every fresh dispatch from Mr. Livingston was a repetition of the old story of neglect and silence. Meantime the Federal leaders, incited by the continued and growing disaffection of the Western people, as manifested by their inflammable appeals to Congress, had resolved upon recommending immediate hostilities as the last resort of the Government. The

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memorable debate which involved a consideration of this question was opened by Mr. Ross, of Pennsylvania, on the 14th of February, in a speech of remarkable force. The infraction of the treaty of Madrid in 1795, by which the right of deposit had been solemnly acknowledged, was claimed to be a sufficient justification for a resort to arms. In the further progress of this argument the speaker considered the opportunity as too favorable to be lost, because success would be more assured if a war was prosecuted while the Spaniards held possession of the country than it would be after it had passed under the dominion of France. With New Orleans in our possession, we could dictate the terms of a treaty that would forever secure our citizens from further molestation. These views were enforced by urgent appeals to the patriotism of the people, and the sternest denunciation of the tardy policy of the administration. At the close of his speech Mr. Ross presented a series of resolutions declaring the right of the people to the free navigation of the Mississippi and a convenient place of deposit for their produce and merchandise in the island of New Orleans. The President would have been authorized by the passage of these resolutions to take possession of such place or places in the island or adjacent territories as he might deem fit, and to call into actual service fifty thousand 31 482 militia to cooperate with the regular military and naval forces in the work of invasion. They also provided for an appropriation of five millions of dollars to defray the expenses of the war.

A long and exhaustive debate followed, in which the speeches on both sides were marked by distinguished ability and eloquence,—those of Mr. Clinton against, and of Mr. Morris in favor of the resolutions, being among the ablest ever before or since delivered on the floor of Congress. Milder measures were finally substituted, authorizing the enrolment of an army of eighty thousand men at the pleasure of the President, and Congress adjourned.

Meantime Mr. Livingston reported some little progress in the work of negotiation, and, had addressed a memorial to Bonaparte complaining of the conduct of the Spanish intendant. Just at this time hostilities were again about to be renewed between England and France. Mr. Addington, the British minister, in a conversation with Mr. King upon the subject, observed that in case of war it would be one of the first steps of Great Britain to occupy

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New Orleans. On the 11th of April, in an interview with Talleyrand, that minister desired to know of Mr. Livingston if our Government wished to purchase the whole of Louisiana. On receiving a negative reply, he remarked that if they gave New Orleans, the rest would be of little value. "Tell me," he continued, "what you will give for the whole?" At the close of the dispatch conveying this information to Mr. Madison, Mr. Livingston appends a postscript saying: "Orders are given this day to stop the sailing of vessels from the French ports; war is inevitable; my conjecture as to their determination to sell is well founded. Mr. Monroe has just arrived."

BONAPARTE'S PROPOSITION.

Fear that Great Britain would make an early attack upon New Orleans, now that war between England and France was certain, favored the efforts of Mr. Livingston for an early purchase, and increased the anxiety of France to dispose of the entire province. Indeed, in a consultation held with Decres and Marbois on the 10th of April, Napoleon fully resolved to sell the whole of Louisiana. The little coquetry that followed between Talleyrand, Marbols and Livingston, 483 was simply to obtain as large a price as possible. Napoleon then said, "I know the full value of Louisiana, and I have been desirous of repairing the fault of the French negotiator, who abandoned it in 1762. A few lines of treaty have restored it to me, and I have scarcely recovered it when I must expect to lose it. But if it escapes from me, it shall one day cost dearer to those who oblige me to strip myself of it, than to those to whom I wish to deliver it. The English have successively taken from France, Canada, Cape Breton, New Foundland, Nova Scotia, and the richest portions of Asia. They are engaged in exciting trouble in St. Domingo. They shall not have the Mississippi, which they covet. Louisiana is nothing in comparison with their conquests in all parts of the globe, and yet the jealousy they feel at the restoration, of this colony to the sovereignty of France acquaints me with their wish to take possession of it, and it is thus they will begin the war."

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The morning after this conference he summoned his, ministers, and terminated a long interview in the following words:—"Irresolution and deliberation aye no longer in season I renounce Louisiana. It is not only New Orleans I will cede,—it is the whole colony without any reservation. I know the price of what I abandon, and have sufficiently proved the importance that I attach to this province,—since my first diplomatic act with Spain had for its object its recovery. I renounce it with the greatest regret. To attempt obstinately to retain it would be folly. I direct you to negotiate this affair with the envoys of the United States. Do not even await the arrival of Mr. Monroe;—have an interview this very day with Mr. Livingston. But I require a great deal of money for this war, and I would not like to commence it with new contributions. * * * * I will be moderate in consideration of the necessity in which I am of making a sale. But keep this to yourself. I want fifty millions, and for less than that sum I will not treat; I would rather make a desperate attempt to keep these free countries. To-morrow you shall have full powers."

LOUISIANA PURCHASE TREATY SIGNED.

On the 30th of April, 1803, the treaty of cession was signed. Louisiana was transferred to the United States, on 484 condition that our government should consent to pay to France eighty millions of francs. Of this amount, twenty millions should be assigned to the payment of what was due by France to the citizens of the United States. Article 3rd of the treaty was prepared by Napoleon himself. It reads:—

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the meantime they shall be maintained, and protected in the free enjoyment of their liberty, property, and the religion which they profess."

After the treaty was signed, the ministers rose and shook hands, and Mr. Livingston, expressing the satisfaction which they felt, said: "We have lived long, but this is the noblest

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work of our whole lives. The treaty which we have just signed has not been obtained by art or dictated by force:—equally advantageous to the two contracting parties, it will change vast solitudes into flourishing districts. From this day the United States takes its place among the powers of the first rank;—the English lose all exclusive influence in the affairs of America. Thus one of the principal causes of European rivalries and animosities is about to cease. However, if wars are inevitable, France will hereafter have in the New World a natural friend, that must increase in strength from year to year, and one which cannot fail to become powerful and respected in every sea. The United States will reestablish the maritime rights of all the world, which are now usurped by a single nation. These treaties will thus be a guarantee of peace and concord, among commercial states. The instruments which we have just signed will cause no tears to be shed; they prepare ages of happiness for innumerable generations of human creatures. The Mississippi and Missouri will see them succeed one another and multiply, truly worthy of the regard and care of Providence, in the bosom of equality, under just laws, freed from the errors of superstition and the scourge of bad government.”

When Napoleon was informed of the conclusion of the treaty, he uttered the following sententious prophecy: “This

MAP SHOWING THE TERRITORIAL GROWTH OF THE UNITED STATES

1803 accession of territory strengthens forever the power of the United States;—and I have just given to England a maritime rival that will sooner or later humble her pride.”

Neither of the contracting parties to this treaty was able to define the boundaries of the vast territory of which it was the subject. They were known to be immense, and in his message to Congress announcing the purchase, Mr. Jefferson says:—

“Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the Western States and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our

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peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wider spread for the blessings of freedom and equal laws.”

Up to this time Spain had continued in actual and uninterrupted possession of the territory;—and, pending the ratification of the treaty, the Spanish minister served notice upon our Government that the treaty with France would be void, on the ground that France had agreed that Spain should have the preference, in case France should again cede Louisiana. President Jefferson replied that these were private questions between France and Spain;—that the United States derived its title from Napoleon, and did not doubt his guarantee of it;—and after farther unavailing protest, Spain reluctantly abandoned her claim to the territory.

TEXAS INCLUDED IN THE LOUISIANA PURCHASE.

Was Texas, as re-annexed to the United States in 1845, a part of the original Louisiana Purchase? If so, under what circumstances did it pass from our possession,, so that its recovery resulted in the war with Mexico? If we did not acquire it in that purchase, why did we cede it to Spain in 1819, in exchange for the Floridas?

The United States claimed that the territory ceded to her by France, extended to the Rio Bravo river, now called the Rio Grande del Norte. The attitude of France was in Support of our government in this contention, she basing her own claim to the territory prior to the date of its cession by her to Spain 486 in 1762, upon its occupancy by LaSalle, who, with sixty men, descended the Mississippi in 1682, and took possession, in the name of Louis XIV., of all the country drained by the tributaries of the Mississippi on the west,—to which he gave the name Louisiana, and built Fort Prudhomme. Two years later he sailed from LaRochelle, France, with a company of two hundred and eighty men, and, having passed the mouth of the Mississippi through an error in the computation of longitude, he landed in the Bay of St. Bernard, or Mlatagorda Bay, built forts, and placed garrisons in them.

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LaSalle's explorations along the shore of the Gulf of Mexico extended no farther west than Matagorda Bay and the rivers which flow into it. France therefore could not make claim by virtue of LaSalle's "discovery and occupancy" alone, to any portion of the country lying south or west of the dividing ridge between the waters of Matagorda Bay and the Rio Grande. The territory north and east of these limits embraces about three-fifths of the state of Texas. In 1685, LaSalle was killed upon the soil of Texas.

In the year 1699, Louis XIV. sent D'Iberville to found a new colony, of which he was made Governor. D'Iberville took possession of the country from the mouth of the Mobile to the Bay of St. Bernard, in the name of France. Of this possession, Marbois, in his "History of Louisiana", says:—

The occupation was hardly contested by the Spaniards, and the relations of amity and common interest which were established at the beginning of the 18th century between the two kingdoms, *put an end to any claims on the part of the court of Madrid*. There was however no settlement of boundaries;—and it appears that, on the one side, the Spaniards were afraid that if they were accurately described, they would have to consent to some concessions;—and on the other, the French were unwilling to limit, by precise terms, their possible extension of territory.

Louis XIV., in 1712, also issued letters patent to Crozat, granting him the exclusive right, for twelve years, to trade in this colony, which included Texas. Marbois, in speaking of this privilege, says:—

The Government had only a very vague notion of what it was granting. * * * The limits of Louisiana were not afterwards much better defined;—but agreeably to the practice which certain maritime powers 487 had made a principle of the law of nations, the effect of the occupation of the mouths of rivers and streams extended to their sources.

Marbois says that according to old documents, the bishopric of Louisiana *extended to the Pacific ocean, and the limits of the diocese thus defined were secure from all dispute;*

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— but that the spiritual jurisdiction had no connection with the rights of sovereignty and property.

France continued in almost undisputed possession of the country for eighty years, or until her treaty of cession to Spain in 1762. France believed that the territory belonged to her prior to 1762, and there can exist little doubt that she intended to include it all in the cession, to Spain in that year;-and it is equally evident that Spain relinquished her claim to all that she acquired from France under the terms of the treaty of St. Ildephonso, when she retroceded "Louisiana with the same extent that it now has in the hands of Spain, and that it had when France possessed it." Both France and Spain clearly understood that Louisiana extended on the West to the Rio Grande. The only question at issue was that relating to the eastern limit of Louisiana, and it was in reply to Livingston's question, "What are the eastern bounds of Louisiana?" that Talleyrand replied, "I do not know. You must take it as we received it."

Upon the execution of the treaty of St. Ildephonso, the French General, Victor, was designated by Decres, Napoleon's Minister of Marine, to take possession of Louisiana. In the instructions which he prepared for the guidance of Victor, Decres said:—

The extent of Louisiana is well determined on the south by the Gulf of Mexico. But bounded on the west by the river called the Rio Bravo, from its mouth to about the thirtieth parallel, the line of demarcation stops after reaching this point, and there seems never to have been any agreement in regard to this part of the frontier. The farther we go northward the more undecided is the boundary. This part of America contains little more than uninhabited forests or Indian tribes, and the necessity of fixing a boundary has never yet been, felt there.

These instructions, given immediately after the cession by Spain to France, and in anticipation of her taking possession of the country, can leave little doubt that both France and Spain regarded the Rio Grande as the western boundary of Louisiana. Decres

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was the able coadjutor of Marbois in the negotiations with Livingston and Monroe for the purchase of Louisiana.

The Hon. Binger Hermann, commissioner of the General Land Office, in his admirable work "The Louisiana Purchase," which comprises a concise history of our various acquisitions of territory during the past century, says:—

Our nation always claimed, as did France, that the Louisiana Purchase extended westward to the Rio Bravo, because of the settlement made by LaSalle, when, on his return from France, failing to find the mouth of the Mississippi, he landed on the coast of what is now Texas; therefore, the French always regarded the mouth of the Del Norte as the western limit of Louisiana on the Gulf coast. Popple, an eminent English geographer at that time, conceded this claim, and represented on his map the Del Norte as the western limit of Louisiana. The United States on this ground claimed Texas up to 1819, and then abandoned it when Spain ceded to us the two Floridas. It was said at the time that the Spaniards prided themselves on their diplomacy in saving Texas by surrendering Florida; indeed, there is much truth in this boast, when we know how intently resolved our people were to possess the Floridas, and hence we may well infer how ready they also were to relinquish very substantial claims in order to acquire the long envied Florida possessions;—this view is corroborated by reference to President Monroe's message to Congress, December 7, 1819, concerning the treaty with Spain in that year, wherein he says: "For territory ceded by Spain, other territory of great value (Texas) to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her." A quarter of a century later on there was still a vivid remembrance of our old claim to Texas under the Louisiana Purchase, and when, in 1844, the annexation of Texas was accomplished, President Tyler, in his message to the Senate announcing the negotiation of that treaty, said that in event of the approval of annexation, "the Government will have succeeded in reclaiming a territory which formerly constituted a portion, as is

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confidently believed, of its domain under treaty of cession of 1803, by France to the United States.”

In the progress of the debate upon the annexation of Texas, Thomas H. Benton said:—

The oldest advocate for the recovery of Texas. I must be allowed to speak in just terms of the criminal politicians who prostituted the question of its recovery to their base purposes, and delayed its success by degrading and disgracing it. A western man, and coming from 489 State more than any interested in the recovery of this country so unaccountably thrown away by the treaty of 1819, I must be allowed to feel indignant at seeing Atlantic politicians seizing upon it.

It will be borne in mind that in the speeches made in Congress at the time of the admission of Texas to the Union, the act was usually referred to not as the “annexation,” but as the “re-annexation” of Texas.

When the cession by France to the United States, of the whole colony of Louisiana was agreed upon, Livingston and Monroe thought that the terms in the third article of the treaty, defining the extent of the territory, were too general, and insisted that the true extent of Louisiana be specifically defined. The French negotiator said that circumstances were too pressing to permit them to consult the Court of Madrid, and that Spain might wish to consult the viceroy of Mexico, thus prolonging the discussion, and that it would be better for the United States to abide by a general stipulation, as the country was still for the most part in possession of the Indians;—and reminded them that in granting Canada to the English in 1763, France only ceded the country it possessed without specifically defining its limits;—yet England, in consequence of that treaty, occupied territory as far west as the Northern Ocean. This reasoning seemed to satisfy Livingston and Monroe, and they made no more objections. Marbois, writing, a quarter of a century later, of this incident, says:—

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If, in appearing to be resigned to these general terms through necessity, they considered them really preferable to more precise stipulations, it must be admitted that the event has justified their foresight.

When Napoleon's attention was directed to the obscurity and uncertainty of this stipulation, he said:—

If an obscurity does not already exist, it would perhaps be good policy to put one there.

While there undoubtedly did exist much obscurity in the minds of the negotiators of these several treaties concerning the western limit of the ceded territory, France was prepared to defend, and, had she not ceded it to the United States, would have successfully defended, by negotiation or conquest, her right to the territory as far west as the Rio Grande, against any claim which Spain might have made. The territory with this extent, including the Texas re-annexation, was specifically known as Louisiana. It had been in the possession of France for eighty years prior to 1762;—and whatever France ceded to Spain at that time, she again ceded to the United States in 1803. It is evident, therefore, that the “Texas re-annexation” of 1845, was, in 1803, part of the Louisiana Purchase.

VIEWS OF CONGRESSMEN.

It is not surprising that the public men of that day should have feared the consequences of enlarging our republican domain. It looked to them like the renewal of the troubles which they had just escaped, by the purchase of New Orleans and the mouth of the Mississippi. It unsettled the ideas they had formed of a Constitutional Government. They could not see, as we can in this day of railroads and swift postal service, and of telegraphs, giving immediate information concerning the affairs of the nation, how such an immense territory was to be subordinated to the control of a single General Government. Hence we find such men as John Quincy Adams, Timothy Pickering, Rufus Griswold, James White, and Uriah Tracy, all men of enlarged, statesmanlike views, opposing the bill entitled “An Act

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authorizing the erection of a stock to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the 30th of April, 1803, between the United States and the French Republic.”

The speech of Mr. White against the passage of the bill is a fair reflex of the views entertained by the leading public men of that day. Speaking of the treaty, he says:—

I wish not to be understood as predicting that the French will not cede to us the actual and quiet possession of the territory. I hope to God they may, for possession of it we must have:—I mean of New Orleans and of such other portions on the Mississippi as may be necessary to secure to us forever the complete and uninterrupted navigation of that river. This I have ever been in favor of. I think it essential to the peace of the United States and the prosperity of our Western country. But as to Louisiana, this new, Immense, unbounded world,—if it should be ever incorporated into this Union, which I have no idea can be done but by altering the Constitution, I believe it will be the greatest curse that could at present befall us;—it may be productive of innumerable evils, and especially of one that I fear even to look upon. Gentlemen on all sides, with very few exceptions, agree 491 that the settlement of the country will be highly injurious and dangerous to the United States; but as to what has been suggested of removing the Creeks and other nations of Indians from the eastern to the western banks of the Mississippi, and making the fertile regions of Louisiana a howling wilderness, never to be trodden by the foot of civilized man, it is impracticable. * * * To every man acquainted with the adventurous, roving, and enterprising temper of our people, and with the manner in which our Western country has been settled, such an idea must be chimerical. The inducements will be so strong, that it will be impossible to restrain our citizens from crossing the river. Louisiana must and will be settled, if we hold it, and with the very population that would otherwise occupy part of our present territory. Thus our citizens will be removed to the immense distance of two or three thousand miles from the capital of the Union, where they will scarcely ever feel the rays of the General Government; their affections will become alienated; they will

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gradually begin to view us as strangers; they will form other commercial connections; and our interests will become distinct.

These, with other causes that human wisdom may not now foresee, will in time effect a separation, and I fear our bounds will be fixed nearer to our houses than the water of the Mississippi. We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation of the earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for a hundred millions of dollars, and we retain the sovereignty. * * * And I do say that, under existing circumstances. even supposing that this extent of territory was a desirable acquisition, fifteen millions of dollars was a most enormous sum to give.

This “enormous sum” was less than three cents an acre for this immense domain, which had, in 1890, as shown by the U.S. census, a population of over 11,000,000 people, and to say nothing of its yield of gold, silver, copper, coal and lumber, whose agricultural products alone in 1896, amounted to \$345,000,000.

The dread of the disastrous consequences which Mr. White feared would follow the crossing of the Mississippi river for the purposes of settlement, found expression at that time in a resolution presented in Congress, declaring that any American citizen who should cross the Mississippi river for the purpose of settlement, should, by that act, forfeit all claim to the protection of his Government.

We can to-day readily see that the questions which are now engrossing the attention of the country concerning the acquisition 492 of new territory in the Philippines are not new questions. The history of one hundred years ago is to-day repeating itself in every essential feature. The arguments of to-day are those of a century ago. The question of the constitutional right of our Government to purchase Louisiana, and the larger question of the expediency of forming an Anglo-American alliance should France attempt openly

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to take possession of the vast region which she had acquired under the secret treaty with Spain, were, in their immediate results as well as in their distant consequences, fully discussed on the floor of Congress and in the diplomatic correspondence of President Jefferson. Some of the New England members of Congress, foreseeing that in a brief period of time many new States would be formed out of the Louisiana purchase. and deprecating a loss of the political supremacy of their own States in the national Legislature, were ready to dissolve the Union on this issue. Even after the Louisiana treaty was ratified by the payment of the purchase money and the country at large had begun to realize the value of its new possessions, there was seemingly no abatement of this feeling;—and eight years later, when the bill admitting Louisiana into the Union as a State was under discussion in the United States Senate, Josiah Quincy, then Senator from Massachusetts, uttered these words:—

I am compelled to declare it as my deliberate opinion, that if this bill passes, the bonds of this Union are virtually dissolved;—that the States which compose it are free from their moral obligations;—and that as it will be the right of all, so it will be the duty of some to prepare, definitely, for a separation;—amicably if they can, violently if they must.

At this point in the debate he was called to order by Mr. Poindexter, delegate in Congress for Mississippi (which was then a Territory), for the utterance of these words of treason against the United States Government.

Just fifty years later the conditions were changed, and it was Mississippi and not Massachusetts that sought to separate herself from the Union.

Following this remarkable declaration, Mr. Quincy said:—

I have already heard of six States, and some say there will be, at no great distance of time, more.

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Were Mr. Quincy in the United States Senate to-day, he would be greeted by forty of his Senatorial colleagues, and 493 nearly one hundred members of the lower house of Congress, from twenty States in the Union formed out of the Louisiana purchase and other and later acquisitions of territory.

Mr. Tracy, after delivering an elaborate argument on the subject, in which he arrives at the conclusion that the purchase itself is constitutional, says:—

We can hold the territory;—but to admit the inhabitants into the Union, to make citizens of them, and to make States by treaty, we cannot constitutionally do;—and no subsequent act of legislation, or even ordinary amendment to our Constitution, can legalize such a measure. If done at all, they must be done by universal consent of all the States or partners of our political association;—and this universal consent I am positive can never be obtained to such a pernicious measure as the admission of Louisiana,—of a world, —and such a world,—into our Union. This would be absorbing the Northern States and rendering them as insignificant in the Union as they ought to be, if by their own consent the new measure should be adopted.

Senator Plumer of New Hampshire also said:—

Admit this Western world into the Union, and you destroy at once the weight and importance of the Eastern States, and compel them to establish a separate independent Empire.

These declarations indicate that local interests and jealousies measured, in a great degree, the patriotism of many of the statesmen of that day.

LETTERS OF JEFFERSON.

We frequently hear it alleged, to-day that Thomas Jefferson stood upon the ground which is taken by many of his party at this time, that the United States had no constitutional

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power to purchase Louisiana. Jefferson, however, held that view in theory only. He was sufficiently sagacious to see that Louisiana would become essential to the United States in its future development, and, without awaiting the action of Congress, he made the purchase regardless of the constitutional inhibition which he declared existed. It was a sublime act of statesmanship;—a master stroke for which he is and ever will be more renowned than as the author of the Declaration of Independence. He acknowledged that he, as the Executive, had gone beyond the letter of the Constitution;—yet he used his utmost endeavor to have the treaty ratified promptly, and the purchase money provided with the least possible discussion 494 of the constitutionality of the purchase, which he regarded as the crowning event of his administration, and for the cone summation of which he was ready to proceed to any extreme.

On August 30, 1803, he wrote to Levi Lincoln:—

The less that is said about any constitutional difficulty, the better; —and it will be desirable for Congress to do what is necessary, *in silence* .

On Sept. 7, 1803, Jefferson wrote to Wilson C. Nicholas:—

Whatever Congress shall think it necessary to do should be done with as little debate as possible, and particularly so far as respects the constitutional difficulty. * * * * As the constitution expressly declares itself to be made for the United States, I cannot help believing the intention was not to permit Congress to admit into the Union new States to be formed out of the territory, for which, and under whose authority alone they were then acting. * * * * I had rather ask an enlargement of power from the Nation where it is found necessary, than to assume it by a construction which would make our power boundless. * * * Let us go on then, perfecting it, by adding, by way of amendment to the Constitution, those powers which time and trial show are still wanting. * * * * I think it important, in the present case to set an example against broad construction, by appealing for new power to the people. If, however, our friends shall think differently, certainly I shall acquiesce

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with satisfaction;—confiding, that the good sense of our country will correct the evil of construction when it shall produce its ill effects.

On August 12, 1803, Jefferson wrote to Mr. Breckenridge:—

This treaty must of course be laid before both Houses. * * * * They, I presume, will see their duty to the country in ratifying and paying for it; * * * * but I suppose they must then appeal to the Nation for an additional article to the Constitution, approving and confirming an act which the Nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of his country, has done an act beyond the Constitution. The Legislature, in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian investing the money of his ward in purchasing an important adjacent territory, and saying to him when of age, ‘I did this for your good; I pretend to no right to bind you; you may disavow me, and I must get out of the scrape as I can; I thought it my duty to risk myself for you.’ But we shall 495 not be disavowed by the Nation, and their net of indemnity will confirm and not weaken the Constitution, by more strongly marking out its lines.

Although Jefferson here acknowledges that he had gone beyond the letter of the Constitution, he evidently believed that he had not violated the spirit of Republican Government which was behind that instrument, nor the fundamental principles upon which it was based;—and he was willing to accept as its proper interpretation, that many of the powers of the Government under it are implied;—and that, as the people made the Constitution, they could also amend it whenever it became necessary to do so;—but that the purchase of new territory, not being in violation of the underlying spirit of the Constitution, could be made without any amendment to it.

OPINION OF CHIEF JUSTICE MARSHALL.

This view of Jefferson was upheld and confirmed twenty-five years later, by United States Chief Justice John Marshall. In the case of the American Insurance Company vs. David Canter, reported in 1st Peters, page 511, Chief Justice Marshall, in delivering the opinion of the court, in January, 1828, said:—

The Constitution confers absolutely on the Government of the Union, the powers of making war and making treaties;—consequently that Government possesses the power of acquiring territory either by conquest or by treaty. The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation until its fate shall be determined at the treaty of peace. If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed;—either on the terms stipulated in the treaty of cession, or on such as its new master shall impose. On such transfer of territory it has never been held that the relations of the inhabitants with each other undergo any change. Their relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. *The same act which transfers their country transfers the allegiance of those who remain in it;* and the law, which may be denominated political, is necessarily changed.

The language of the learned Chief Justice clearly establishes the right of one nation to transfer to another, any territory, and the allegiance and loyalty of its inhabitants, without their consent. It is also evident, from an examination of that portion of the opinion of the court which is not quoted above, that the court believed that the Constitution and laws of the United States did not extend by their own force over territory so acquired, but that Congress alone could determine all questions involved in their government.

Many of the most eminent jurists of our country believe that the liberal powers which Chief Justice Marshall gave to the Constitution during the thirty four years that he interpreted

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it, were necessary to its durability, and that a strict adherence to its letter would have destroyed it. Judge Story said:—

The Constitution, since its adoption, owes more to him than to any other single mind for its true interpretation and vindication.

No amendment of the Constitution has ever been deemed necessary to confirm the purchase of Louisiana, as the general power of the government to acquire territory and also to govern any territory it chooses to acquire, cannot be enlarged or strengthened by any such amendment. And as the Nation did not disavow the President of the United States at the beginning of the nineteenth century in acquiring Louisiana, so it will not disavow its President at its close, in acquiring the Philippines.

ANGLO-AMERICAN ALLIANCE.

It is interesting to note the radical attitude of Jefferson at this time, on the subject of forming an Anglo-American alliance, and the length to which he was willing to go in this respect in order to acquire Louisiana.

I have already adverted to Jefferson's letter to Monroe, in which he wrote that if Louisiana could not be purchased from Napoleon, it might be necessary for him (Monroe) to cross the Channel into England. For what purpose did he think this might become necessary? It was to form an alliance with England, in case of a failure of the negotiations for the purchase of Louisiana. In a letter to Robert Livingston, dated April 18, 1802, he boldly declared his policy in case of the refusal of France to sell Louisiana to the United States. On that day he wrote to Livingston:—

The cession of Louisiana by Spain to France, works most sorely on the United States. * *
* * It completely reverses all the political 497 relations of the United States. * * * * There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three eighths of our territory must pass to

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market. * * * * France, placing herself in that door, assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific disposition, her feeble state, would induce her to increase our facilities there, so that her possession of the place would hardly be felt by us, and it would not be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us, and our character, which, though quiet and loving peace and the pursuit of wealth, is high minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth;—these circumstances render it impossible that France and the United States can continue long friends, when they meet in so irritable a position. They, as well as we, must be blind if they do not see this;—and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of New Orleans, fixes the sentence which is to restrain her forever within her low water mark. *It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and Nation* . We must turn all our attention to a maritime force, for which our resources place us on very high ground;—and having formed and connected together a power which may render enforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for the tearing up of any settlement she may have made, and *for holding the two continents of America in sequestration for the common purposes of the United British and American Nations* . * * * * In that case France will have held possession of New Orleans during the interval of a peace, long or short, at the end of which it will be wrested from her.

This letter to Chancellor Livingston was enclosed by Jefferson to M. Dupont de Nemours, an eminent and influential citizen of France, whose good offices in behalf of our government Jefferson sought, and to whom he wrote on April 25, 1802:—

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You may be able to impress on the Government of France the inevitable consequences of their taking possession of Louisiana;—and though, as I here mention, the cession of New Orleans and the Floridas to us would be a palliation, yet I believe it would be no more, and that this measure will cost France, and perhaps not very long hence, a war which will annihilate her on the ocean and place that element under the despotism of two nations, which I am not reconciled to the more because 32 498 my own would be one of them. Add to this the exclusive appropriation of both continents of America as a consequence.

These letters reveal the length to which Jefferson was willing to carry the Nation on this issue. It was not only Louisiana, but it was the whole of North America and South America that he proposed to hold jointly with England, under an alliance which would sweep France from the ocean, and place it—“that element,” as he terms it,—under the control of America and England. The wildest imagination cannot carry us farther than this. All our present purposes of expansion, and all; suggestions of the present concerning an Anglo-Saxon alliance, are dwarfed into insignificance when compared with this proposal of Jefferson.

Mr. Breckenridge did not share in the fears of his colleagues, concerning the purchase of Louisiana. In the stirring reply which he made to them, he asks:—

Is the Goddess of Liberty restrained by water courses? Is she governed by geographical limits? Is her dominion on this continent confined to the east side of the Mississippi? So far from believing that a Republic ought to be confined within narrow limits, I believe on the contrary that the more extensive its dominion, the more safe and durable it will be. In proportion to the number of hands you intrust the precious blessings of a free government to, in the same proportion do you multiply the chances for their preservation.

The measure providing the means for the purchase of the territory finally became a law, and the United States thereby added to its original domain twelve hundred and sixty thousand (1,260,000) square miles, including Texas, which, in 1819, was relinquished to Spain in exchange for the Floridas, and was re-annexed to the United States in 1845. This

vast acquisition was more than one third greater than the whole area of the United States and their territorial possessions at the time of the purchase.

FEARS OF EASTERN STATESMEN.

The fears entertained by our early statesmen are all forgotten. I have recalled them, not to illustrate any deficiency in the foresight or wisdom of the men of that day, but to show how remarkable has been the progress of improvement, discovery, and invention, by which we have been enabled, during nearly a century of national expansion, to incorporate not only 499 the Louisiana Purchase, but others of still greater aggregate extent, into the government of the Republic, without endangering its safety, and without any amendment to the Constitution, or any material modification of our form of government, or divergence from the faith or policy of Thomas Jefferson, and others of the Fathers of the Republic.

It is worthy of notice that all of these vast regions were ceded by the nations possessing them, without consulting their subjects, and the cession accepted by the United States without obtaining or even asking the consent of the inhabitants. As was said by Chief Justice Marshall in the opinion already referred to, "the same act which transfers their country, transfers the allegiance of those who remain in it." The power to expand is inherent and limitless. The United States may constitutionally take whatever territory it desires, if it is rightly acquired. The question is one of expediency only, not of power.

It is said that the best and most enlightened thought of New England to day is opposed to the expansion policy of our Government. We may answer that the most enlightened thought and best statesmanship of New England opposed the purchase of Louisiana, and of the Floridas, and the measures by which we acquired Oregon, and the treaty with Mexico which gave us California. But the enlightening experiences of a century have left their lessons, and there is to day neither in New England nor elsewhere in the United States, any prominent man in public life who would venture to question the wisdom of the measures by which these acquisitions were made, and which have so benefited and

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enriched the Republic. And, with distance annihilated by steam and electricity, there is no reason which can be presented why the work of civilization and development which has been, so successfully accomplished by the American people in the remote regions of this continent, may not be as effectively done on any soil under the sun.

The doleful predictions of a century ago, like those we are hearing to day, when our land is teeming with the spirit of acquisition, were born of a fear and timidity which are inimical to great progress; and they represent a mental altitude which is not fitted to grapple with new problems.

This Nation is no longer an infant, but a giant. The sun never sets on the land over which now float the stars and 500 stripes, and we have need to expand our ideas of our destiny as we have expanded our territory. The present is no time for faint heartedness in the councils of the Republic.

MODE OF DEFINING WESTERN BOUNDARY.

The western boundary of the vast territory ceded to the United States under the name of Louisiana was a geographical problem, incapable of any other than a forced solution. It was claimed that by the treaty of Utrecht, concluded in 1713, the 49th parallel of latitude had been adopted and definitively settled as the dividing line between the French possessions of Western Canada and Louisiana on the south, and the British territories of Hudson Bay on the north, and that this boundary extended westward to the Pacific. So unreliable was the evidence in support of this claim, that it was finally determined, in the settlement of the western boundary of Louisiana, to adopt such lines as were indicated by nature, namely, the crest of mountains separating the waters of the Mississippi from those flowing into the Pacific. This left in an unsettled condition the respective claims of Spain, Russia, Great Britain and the United States to the vast territory beyond the Rocky Mountains, extending along the 42nd parallel of latitude west to the Pacific on the south, thence north up the coast indefinitely, thence east to the crest of the Rocky Mountains,

thence following the crest, south, to the place of beginning. Both our country and Great Britain recognized an indefeasible right in Spain to some portion of this country, but our relations with Spain were such at the time, that this opinion was not openly promulgated. The territory included the mouth of the Columbia, the entire region drained by that river and its tributaries, and an extensive region still further north independent of this great river system. The most valuable portion of it at this early period in our history was that traversed by the Columbia and its tributaries.

DISCOVERY OF THE COLUMBIA BY CAPTAIN GRAY.

Great Britain had no right, by discovery or otherwise, to any portion of this part of the territory. "The opening," says Greenhow, "through which its waters are discharged into the ocean was first seen in August, 1776, by the Spanish navigator 501 Heceta, and was distinguished on Spanish charts within the thirteen years next following, as the mouth of the River San Roque. It was examined in July, 1788, by Meares, who quitted it with the conviction that no river existed there. This opinion of Meares was subscribed, without qualification, by Vancouver, after he had minutely examined the coast, 'under the most favorable conditions of wind and weather,' and notwithstanding the assurance of Gray to the contrary." The actual discovery of the mouth of the Columbia was made on the 11th of May, 1792, by Captain Robert Gray, a New England navigator, who says in his logbook under that date: "Beheld our desired port, bearing east south east, distant six leagues. At eight a.m., being a little to the windward of the entrance of the harbor, bore away, and ran in east north east between the breakers, having from five to seven fathoms of water. When we were over the bar, we found this to be a large river of fresh water, up which we steered."

Captain Gray remained in the Columbia from the 11th until the 20th of May, during which time he sailed up the river fifteen miles, gave to it the name it still bears, trafficked with the natives, and named the capes at the entrance and other points above.

ATTITUDE OF JEFFERSON.

The United States had this claim to the mouth of the river and the interior drained by it and its tributaries eleven years before the Louisiana Purchase was made. President Jefferson evidently believed that Gray's discovery fully established our claim to all that region, and that it was not embraced within the limits of the territory ceded by Spain to France in 1800 by the treaty of St. Ildephonso:—for in January, 1803, while negotiations with Napoleon were in progress, and three months before the Louisiana treaty was signed, he sent a confidential message to Congress, which resulted in an appropriation by that body of twenty five hundred dollars for an exploration of the region. No public documents accessible to me at this time throw much light upon this secret or confidential message, but it is probable that the hidden purpose contained in it was privately brought to the notice of a sufficient number of the members of Congress to insure the small appropriation asked 502 for it. In a letter to Dr. Barton, dated Feb. 27, 1803, Jefferson refers to these “secret proceedings” as follows:

You know we have been many years wishing to have the Missouri explored, and whatever river, heading with that, runs into the Western ocean. Congress, *in some secret proceedings* , have yielded to a proposition I made them for permitting me to have it done.

* * *

That Jefferson desired to enshroud in secrecy the real purpose of this expedition, and conceal it from the knowledge of Great Britain and the Northwest Company, is evident from his suggestions relative to the title of the bill providing for the appropriation, and from the small number of persons he desired to enlist in the enterprise, as well as from other mysterious and covert suggestions contained in this secret message to Congress, from which I here quote. After outlining a project for the extension of the public commerce among the Indian tribes of the Missouri and the western ocean, he says:

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An intelligent officer, with ten or twelve chosen men, fit for the enterprise and willing to undertake it, taken from our posts where they may be spared without inconvenience, might explore the whole line, even to the Western Ocean, have conference with the natives on the subject of commercial intercourse, * * * and return with the information acquired in the course of two summers. * * * Their pay would be going on while here or there. While other civilized nations have encountered great expense to enlarge the boundaries of knowledge by undertaking voyages of discovery *and for other literary purposes*, in various parts and directions, our nation seems to owe to the same object, as well as to its own interests, to explore this only line of easy communication across the continent, *and so directly traversing our own part of it*. The interests of commerce place the principal object within the constitutional powers and care of Congress, and that it should incidentally advance the geographical knowledge of our own continent, can not but be an additional gratification. The nation claiming the territory, *regarding this as a literary pursuit*, which it is in the habit of permitting within its dominions, would not be disposed to view it with jealousy, even if the expiring state of its interests there did not render it a matter of indifference. The appropriation of \$2,500 “ *for the purpose of extending the external commerce of the United States*,” while understood and considered by the Executive as giving the legislative sanction, *would cover the undertaking from notice*, and prevent the obstructions which interested individuals might otherwise previously prepare in its way.

LEWIS AND CLARK EXPEDITION.

The expedition was not organized, however, before the purchase from France was concluded. After that was agreed 503 upon, Captain Meriwether Lewis, whose grand uncle married a sister of Washington, and who, at the time of his appointment, was the private secretary of President Jefferson, and Captain William Clark, were, at the instance of Jefferson, appointed to explore the country up the Missouri to its source and to the Pacific. From the moment of their appearance on the Missouri, their movements were watched by the British, and as soon as the object of their expedition was discovered, the

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Northwest Company, in 1805, sent out its men to establish posts and occupy territories on the Columbia. The British Company proceeded no farther than the Mandan villages on the Missouri. Another party, dispatched on the same errand in 1806, crossed the Rocky Mountains near the passage of the Peace river, and formed a small trading establishment in the 54th degree of north latitude,—the first British post west of the Rocky Mountains. Neither at this nor at any subsequent time until 1811 does it appear that any of the waters of the Columbia were seen by persons in the service of the Northwest Company.

Lewis and Clark arrived at the Kooskooskee river, a tributary of the Columbia, in latitude 46° 34', early in October, 1805, and on the 7th of that month began their descent in five canoes. They entered the great southern tributary, which they called Lewis, and proceeded to its confluence, giving the name of Clark to the northern branch; thence they sailed down the Columbia to its mouth, and wintered there until the middle of March, 1806. They then returned, exploring the streams which emptied into the Columbia and furnishing an accurate geographical description of the entire country through which they passed.

ASTOR EXPEDITION.

Early in 1811 the men sent by John Jacob Astor to the northwest coast in the interest of the Pacific Fur Company, erected buildings and a stockade, with a view to permanent settlement, on a point of land ten miles above the mouth of the Columbia, which they called Astoria. With the exception of one or two trading posts on some of the small streams constituting the head waters of the river, the country had not at this time been visited by the English. Further detail of the history and trials of the Pacific Fur Company is unnecessary in this place, but the reader who desires to acquaint himself with it is referred to Irving's "Astoria" for one of the most thrilling narratives in American history.

In 1818, after Astoria had been sold by the Americans to the British Fur Company and the stockade occupied by British troops, it was restored to the United States under a provision of the Treaty of Ghent, without prejudice to any of the claims that either the

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United States, Great Britain, Spain or Russia might have to the ultimate sovereignty of the territory. The claims of the respective nations were afterward considered by the plenipotentiaries of Great Britain and the United States. Messrs. Rush and Gallatin, who represented our Government, proposed that the dividing line between the territories should be drawn from the northwestern extremity of the Lake of the Woods north or south, as the case might require, to the 49th parallel of latitude, thence west to the Pacific. The British commissioners, Messrs. Goldburn and Robinson, agreed to admit the line as far west as the Rocky Mountains. Our representatives on that occasion supported the claim of our Government by citing Gray's discovery, the exploration of the Columbia from source to mouth by Lewis and Clark, and the first settlement and occupancy of the country by the Pacific Fur Company. The British commissioners asserted superior claims by virtue of former voyages, especially those of Captain Cook, and refused to agree to any boundary which did not give them the harbor at the mouth of the river in common with the United States. Finding it impossible to agree upon boundary, it was at length agreed that all territories and their waters claimed by either power west of the Rocky Mountains should be free and open to the vessels, citizens and subjects of both for the space of ten years; provided, however, that no claim of either or of any other nation to any part of those territories should be prejudiced by the arrangement.

FLORIDA TREATY.

On the 22nd of February, 1219, Spain ceded Florida to the United States, and by the treaty it was agreed that a line drawn on the meridian from the source of the Arkansas northward to the 42nd parallel of latitude, and thence along that parallel westward to the Pacific, should form the northern boundary of the Spanish possessions and the southern boundary of those of the United States in that quarter.

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On the 5th of April, 1824, the negotiations between the United States and Russia were terminated by a convention signed at St. Petersburg, which, among other provisions,

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contained one to the effect that "neither the United States nor their citizens shall, in future, form an establishment on those coasts or on the adjacent islands north of the latitude of 54° 40', and the Russians shall make none south of that latitude."

These concessions on the part of Spain and Russia left the United States and Great Britain sole claimants for the entire territory under consideration, the claim of Great Britain having been fortified by a treaty with Russia in 1825, in which the Russian Government agreed, as it had done with our Government the previous year, that the line of 54° 40' should be the boundary between their respective possessions.

The period of ten years' joint occupation by our Government and Great Britain agreed upon in 1818 was now approaching a termination. A new negotiation was opened, and after submitting and rejecting several propositions for a settlement, it was finally agreed between the two Governments that they should continue in the joint occupancy of the territory for an indefinite period, either party being at liberty to demand a new negotiation on giving the other one year's notice of its intention.

The relations thus established between the two Governments continued without interruption until the attention of Congress was called to the subject by President Tyler in his message read at the opening of the session of 1842. The subject was referred to the committees on foreign affairs in both houses of Congress, and a bill was introduced in the Senate for the occupation and settlement of the territory, and extending the laws of the United States over it. A protracted debate followed, the bill passed the Senate and was sent to the House of Representatives, where a report against it was made by Mr. Adams, chairman of the committee on foreign affairs, and the session expired without any debate on the subject. When the report of the debates in Congress reached England, it produced some excitement in the House of Commons, and in February, 1844, the Honorable Richard Packenham, plenipotentiary from Great Britain, arrived in Washington with full instructions to treat definitively on all disputed points relative to the country west of the Rocky Mountains.

In August following the British minister opened the negotiation by a proposition which would have given Great Britain two thirds of the entire territory of Oregon, including the free navigation of the Columbia and the harbors on the Pacific. This was promptly rejected, and no further attempt at adjustment was made until the following year. An offer was then made by President Polk, which being rejected, closed the door to further negotiation. The President recommended to Congress that the agreement for joint occupation be terminated.

FINAL SETTLEMENT OF BOUNDARY.

A very animated debate, which continued until near the close of the session, sprang up, in which the question of boundary lost most of its national features in the sharp party conflict to which it was subjected. The Democrats, generally adopting the recommendations of the President, advocated the extreme northern boundary of 54° 40', and were ready, if necessary, to declare that as the ultimatum. A few leaders among them, of whom Thomas Benton was, perhaps, the most prominent, united with the Whigs in opposition to this extreme demand, and the line was finally established by treaty on the 49th parallel.

Hon. James G. Blaine, in a speech delivered at Lewiston, Maine, on August 95, 1888, said: "The claim of the Democrats to the whole of what now constitutes British Columbia up to latitude 54° 40', was a pretense put forth during the presidential canvass of 1844 as a blind, in order to show that they were as zealous to secure Northern territory as they were bent on acquiring Southern territory. President Polk made his campaign on this claim. The next tiring the country heard was that Mr. Polk's administration was compelled to surrender the whole territory to Great Britain, confessing that it had made pretenses which it was unable to maintain or defend. Had his party not forced the question to a settlement, the joint occupation which had come down from Jefferson to that hour would have peacefully continued, and with our acquisition of California two years afterwards and the immediate discovery of gold, the thousands of American citizens who swarmed

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to the Pacific coast would have occupied British Columbia, and the final settlement would doubtless have been in favor of 507 those who were in actual possession;—and but for the blundering diplomacy of the Democratic party, which prematurely and without any reason forced the issue, we should to day see our flag floating over the Pacific front; from the Gulf of California to Behring's Straits.”

This mode of settlement probably averted a war between Great Britain and the United States, but after a careful survey of all the facts, including discoveries, explorations and settlements, I cannot but feel that the concessions were all made by the United States, whose title to the whole of the territory was much more strongly fortified than that of Great Britain to any portion of it.

As from our present vantage ground we look back a half century in review of the debates and discussions in Congress upon this boundary question, we marvel at the seeming lack of prescience which the wisest of the public men of that day displayed in estimating the value of these possessions. Even as enlightened and sagacious a statesman as Daniel Webster, in his famous speech delivered on the floor of the United States Senate, on April 6, 1846, while defending his course in advocating the treaty of Washington, in speaking of the value of the privilege granted by England to the citizens of Aroostook County, in the State of Maine, in allowing them free navigation of the River St. John, to the ocean, said:

“We have heard a great deal lately of the immense value and importance of the Columbia river and its navigation;—but I will undertake to say that for all purposes of human use, the St. John is worth a hundred times as much as the Columbia is, or ever will be.”

Standing to-day in the valley of the Mississippi and casting our eyes over the Louisiana Purchase and our later acquisitions, upon this continent, we talk of the West, its cities, its agriculture,—its progress, with rapture;—a land where but half a century ago, nearly all was bare creation;—whose valleys, now teeming with fruition, had then never cheered the vision of civilized man;—whose rivers, which now afford the means of employment

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to thousands, and which are bordered by myriads of happy homes, then rolled in solitary grandeur to their union with the Missouri and the Columbia;—to all this we point with pride as the latest and noblest illustration of our republican system of government. But beyond this West, which we so much admire and eulogize, there has come to us from the islands of the Pacific, another West, where the real work of development is just commencing;—a land whose rugged features, American civilization with all its attendant blessings will soften;—insuring respect for individual rights and the practice of orderly industry, security for life and property, freedom of religion and the equal and just administration of law;—and where man, educated. intellectual man, will plant upon foundations as firm as our mountains, all the institutions of a free, enlightened and happy people;—a land where all the advantages and resources of the West of yesterday will be increased, and varied, and spread out, by educational, industrial and social development, upon a scale of magnificence which has known no parallel, and which will fill the full measure of Berkeley's prophecy:—

“Westward the course of Empire takes its way. The first four acts already past, A fifth shall close the drama with the day. Time's noblest offspring is the last.”